



11-15-05

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PATENT
674310-2430.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : PAOLETTI et al
Serial No. : 08/228,926
Filing Date : May 4, 1992
For : MODIFIED VACCINIA VIRUS AND METHODS FOR
MAKING AND USING THE SAME
Examiner : Mary Mosher
Art Unit : 1648
Confirmation No.: 4171

745 Fifth Avenue New York, NY 10151

EXPRESS MAIL

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Charles Jackson

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Charles Jackson

(Signature of person mailing paper or fee)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Examiner's attention is respectfully drawn to the enclosed documents listed on the accompanying PTO Form 1449. Pursuant to 37 CFR §1.97(b)(3), Applicants request the Examiner to consider this Information Disclosure Statement, and to make of record the documents cited on the accompanying PTO form 1449 and that a copy of Form PTO-1449 be initialed by the Examiner and returned to the undersigned.

Also attached is a copy of the non-patent documents and foreign patents cited in the PTO form 1449. The references are being mailed via US Express Mail in two boxes as they were too numerous to send in one box. A complete copy of the Information Disclosure Statement and PTO form 1449 accompanies both boxes of references. In addition, the certificate of mailing for the Information Disclosure Statement lists the US Express Mail Airbill Tracking Number for both boxes.

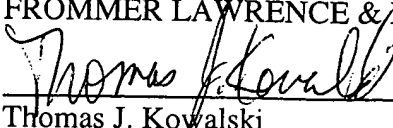
Furthermore, the table below informs the Examiner of the counterpart applications or patents for US Application 08/228,926. The Examiner is invited to obtain a copy of the counterpart applications and patents as necessary. The counterpart applications and patents are:

| Country | Application No. (Publication No.) | Title |
|-----------|-----------------------------------|----------------------------------------------------------------------------------------|
| Australia | AU1982000091806 (AU9180682A1) | Vaccinia Virus Incorporating Foreign DNA |
| Australia | AU1982000091806 (AU0561816B2) | Vaccinia Virus Incorporating Foreign DNA |
| Austria | AT1982000402380 (AT0050791E) | Modifiziertes Vaccinia Virus Und Verfahren Zu Dessen Herstellung Und Verwendung. |
| Denmark | DK1982000005724 (DK0572482A) | Modificeret Vaccinia-Virus Og Fremgangsmaade Til Dens Fremstilling Og Anvendelse |
| Denmark | (DK1982000005724) DK0173927B1 | Vaccine Til Anvendelse Til Vaccinering Af Pattedyr Omfattende Rekombinant Kokoppevirus |
| Europe | EP1982000402380 (EP0083286B2) | Modified Vaccinia Virus And Methods For Making And Using The Same |
| Europe | EP1982000402380 (EP0083286B1) | Modified Vaccinia Virus And Methods For Making And Using The Same |
| Europe | EP1982000402380 (EP0083286A3) | Modified Vaccinia Virus And Methods For Making And Using The Same |
| Europe | EP1982000402380 (EP0083286A2) | Modified Vaccinia Virus And Methods For Making And Using The Same |
| Germany | EP1982000402380 (DE3280128C0) | Modifiziertes Vaccinia Virus Und Verfahren Zu Dessen Herstellung Und |

| Country | Application No. (Publication No.) | Title |
|---------------|-----------------------------------|------------------------------------------------------------------------------------|
| | | Verwendung. |
| Israel | IL1982000067537 (IL0067537A0) | Modified Vaccinia Virus And Methods For Making And Employing The Same |
| Italy | IT1982000024948 (IT8224948A0) | Virus Vaccinico Modificato E Metodi Per La Produzione Ed Uso Del Medesimo |
| Italy | IT1982000024948 (IT1191150A) | Virus Vaccinico Modificato E Metodi Per La Produzione Ed Uso Del Medesimo |
| Japan | JP1982000234860 (JP58129971A2) | Variant Vactinia Virus, Production And Use Thereof |
| Japan | JP1982000234860 (JP06071429B4) | <i>Not Available</i> |
| New Zealand | NZ1982000202833 (NZ0202833A) | Modified Vaccinia Virus:Use As Transfer Vector In Genetic Engineering Technique |
| Philippines | PH1982000028314 (PH0022658A) | Modified Vaccinia Virus And Method Of Using The Same |
| South Africa | ZA1982000009386 (ZA8209386A) | Modified Vaccinia Virus And Methods For Making And Using The Same |
| Switzerland | CH1992000002364 (CH0683921A) | Vaccin A Poxvirus Recombinant Contre Le Virus De La Rougeole. . |
| United States | US1982000446824 (US4603112) | Modified Vaccinia Virus |

The filing of this Information Disclosure Statement is not an admission that the documents identified herein constitute prior art to the present application.

It is believed that no fees are required by the instant submission. However, if any fees are required, or if any overpayment has been made, please charge Deposit Acct. No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
By: 
Thomas J. Kowalski
Reg. No. 32,147
Telephone: (212) 588-0800
Facsimile: (212) 588-0500

Based on Form PTO-1449

(3/90)

ATTY. DOCKET NO.

674310-2430.1

SERIAL NO.

08/228,926

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

APPLICANT

Paoletti et al

FILING DATE

May 4, 1992

GROUP

1813

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| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|----|-----------------|------|------|-------|----------|-------------------------------|
| | AA | 4088748 | | | | | |
| | AB | 4113712 | | | | | |
| | AC | 4129646 | | | | | |
| | AD | 4138287 | | | | | |
| | AE | 4162192 | | | | | |
| | AF | 4237224 | | | | | |
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| | AL | 4722848 | | | | | |
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| | AQ | 5155020 | | | | | |
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| | AY | 5453364 | | | | | |
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| | BA | 5494807 | | | | | |
| | BB | 5503834 | | | | | |
| | BC | 5505941 | | | | | |

EXAMINER

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----------------|------|------------------------------------------|-------|---------------------------------|-------------------------------|
| LIST OF REFERENCES CITED BY APPLICANT (Use several sheets if necessary) | | | | APPLICANT Paoletti et al | | | |
| | | | | FILING DATE May 4, 1992 | | GROUP 1813 | |
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| | BD | 5514375 | | | | | |
| | BE | 5529780 | | | | | |
| | BF | 5580859 | | | | | |
| | BG | 5583028 | | | | | |
| | BH | 5589466 | | | | | |
| | BI | 5641490 | | | | | |
| | BJ | 5658572 | | | | | |
| | BK | 5688920 | | | | | |
| | BL | 5744140 | | | | | |
| | BM | 5744141 | | | | | |
| | BN | 5756101 | | | | | |
| | BO | 5756102 | | | | | |
| | BP | 5756103 | | | | | |
| | BQ | 5759552 | | | | | |
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| | BU | 5766597 | | | | | |
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| | BX | 5833975 | | | | | |
| | BY | 5843456 | | | | | |
| | BZ | 5858373 | | | | | |
| | CA | 5863542 | | | | | |
| | CB | 5891442 | | | | | |
| | CC | 5942235 | | | | | |
| | CD | 5972597 | | | | | |
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| | CF | 5990091 | | | | | |
| | CG | 5997878 | | | | | |
| | CH | 6004777 | | | | | |
| | CI | 6017542 | | | | | |
| | CJ | 6130066 | | | | | |
| | CK | 6183750 | | | | | |
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| | CM | 6248333 | | | | | |
| | CN | 6265189 | | | | | |
| | CO | 6267965 | | | | | |
| | CP | 6309647 | | | | | |
| | CQ | 6340462 | | | | | |
| | CR | 6395283 | | | | | |
| | CS | 6537594 | | | | | |
| | CT | 6596279 | | | | | |
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| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
| | | | | | | | YES | NO |
| | CX | 2222165 | | United Kingdom | | | | |
| | CY | 624863 | | Australia | | | | |
| | CZ | 78906/87 | | Australia | | | | |
| | DA | 0052002 | | Europe | | | | |
| | DB | 0162757 | | Europe | | | | |

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

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| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
| | | | | | | | YES | NO |
| | DC | 0216564 | | Europe | | | | |
| | DD | 0227414 | | Europe | | | | |
| | DE | 0261940 | | Europe | | | | |
| | DF | 0262043 | | Europe | | | | |
| | DG | 0284416 | | Europe | | | | |
| | DH | 0314569 | | Europe | | | | |
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| | DJ | 0344804 | | Europe | | | | |
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| | DN | 0/12101 | | WIPO | | | | |
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| | MZ | Marshall et al., (1992) J. Infect. Dis., vol. 165, pp. 381-384. |
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| | NT | Meulemans et al., (1988) Avian Patol., vol. 17, pp. 821-827. |
| | NU | Michel et al., (1988) Eur. J. Immunology, vol. 18, pp. 1917. |
| | NV | Milich et al., (1985) Science, vol. 228, pp. 1195-1199. |
| | NW | Milich et al., (1986) J. Immun. vol. 137, pp. 315-322. |
| | NX | Milich et al., (1987a) J. Immun., vol. 138, pp. 4457-4465. |
| | NY | Milich et al., (1987b) Nature, vol. 329, pp. 547-549. |
| | NZ | Milich et al., (1988) In: Viral Hepatitis and Liver Disease, pp. 645-649. |
| | OA | Miller, G., In: Virology, Second Edition, eds. Fields, B.N. et al. (Raven Press, Ltd., New York) pp. 1921-1958 (1990). |
| | OB | Nagai et al., (1980) Microbiol. Immunol., vol. 24, pp. 173-177. |
| | OC | Nagai, Y., H. D. Klenk, and R. Rott, Virology 72, 494-508 (1976). |
| | OD | Nakano et al. (1982) Proc. Natl. Acad. Sci. USA 79, 1593-1596. |
| | OE | Nazerian, K., E.A. Stephens, J.M. Sharma, L.F. Lee, M. Gailitis and R.L. Witter, Avian Diseases 21, 69-76 (1977). |
| | OF | Nettleton, P.F., and J.M. Sharpe, Vet. Rec. 107, 379 (1980). |
| | OG | Neurath et al., (1984) Science, vol. 224, pp. 392-395. |
| | OH | Neurath et al., (1986) Cell, vol. 46, pp. 429-436. |
| | OI | Neurath et al., (1987) Microbiological Sciences, vol. 4, pp. 45-51. |
| | OJ | Neurath et al., (1988) Adv. Vir. Res., vol. 34, pp. 65-142. |
| | OK | Neurath et al., (1989) Mol. Immun., vol. 26, pp. 53-62. |
| | OL | Nixon et al., (1988) Nature, vol. 326, pp. 484-487. |
| | OM | Norrby and Gollmar, (1975) Infect. and Immun., vol. 11, pp. 231-239. |
| | ON | Norrby and Oxman, (1990) In: Fields Virology, 2.sup.nd Edition, eds. Fields and Knipe, pp. 1013-1044. |
| | OP | Norrby et al., (1982) Archives of Virology, vol. 71, pp. 1-11. |
| | OQ | Nunberg et al., (1984a) Proc. Natl. Acad. Sci., vol. 81, pp. 3675-3679. |
| | OR | Nunberg et al., (1984b) J. Virol., vol. 49, pp. 629-632. |
| | OS | Oakes and Rosemond-Hornbeak, Infect. Immun., vol. 21, pp. 489-495. |
| | OT | Oakes, J., Davis, W., Taylor, J. and Weppner, W., Infect. Immun. 29, 642-649 (1980). |
| | OU | Ogawa et al., (1990) Vaccine, vol. 8, pp. 486-490. |
| | OV | Oie et al., (1990) Virology, vol. 176, pp. 494-504. |
| | OW | Ono et al., (1983) Nuc. Acids. Res., vol. 11, pp. 1747-1757. |
| | OX | Osterhaus et al., (1989) Vaccine, vol. 7, pp. 137-140. |

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| | PB | Paez, E., S. Dallo and M. Esteban, Proc. Natl. Acad. Sci. USA 82, 3365-3369 (1985). |
| | PC | Palumbo, G. J., D. J. Pickup, T. N. Fredrickson, L. J. McIntyre and R. M. L. Buller, Virology 172, 262-273 (1989). |
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| | PH | Paoletti E et al. "Construction of Live Vaccine Using Genetically Engineered Poxviruses: Biological Activity of Vaccinia Virus Recombinants Expressing the Hepatitis B Virus Surface Antigen and the Herpes Simplex Virus Glycoprotein D" Proceedings of the National Academy of Sciences of USA, vol. 81, Jan. 1, 1984, pp. 193-197, XP000651699. |
| | PI | Parrish, (1990) Adv. Virus Res., vol. 38, pp. 403-450. |
| | PJ | Parrish, C. R., Aquadro, C. F., Strassheim, M. L., Evermann, J. F., Sgro, J-Y., and Mohammed, H. O., J. Virology 65, 6544-6552. |
| | PK | Parrish, et al., (1988) Virology, vol. 166, pp. 293-307. |
| | PL | Patel and Pickup, (1987) EMBO, vol. 6, pp. 3787-3794. |
| | PM | Patel et al., (1988) Proc. Natl. Acad. Sci., vol. 85, pp. 9431-9435. |
| | PN | Pathak et al., (1988) Mol. Cell. Biol., vol. 8, pp. 993-995. |
| | PO | Pattnaik et al. (1990) J. Virol. 64, 2948-2957. |
| | PP | Pattnaik et al. (1991) Proc. Natl. Acad. Sci. USA 88, 1379-1383. |
| | PQ | Pedersen and Ott. Feline Practice, Evaluation of a Commercial Feline Leukemia Virus Vaccine for Immunogenicity, vol. 15. No. 6, 7-20, Nov.-Dec. 1985. |
| | PR | Pedersen, N. C., and Johnson, L., JAVMA 199, 1453-1455 (1991). |
| | PS | Pennica et al., (1991) Virology, vol. 134, pp. 477-482. |
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| | PU | Perkus et al. 1986 Virology vol. 152 pp. 285-297. |
| | PV | Perkus et al. 1991. Virology vol. 180 pp. 406-410. |
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| | QB | Pickup et al., (1984) Proc. Natl. Acad. Sci., vol. 83, pp. 7698-7702. |
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| | QE | Plotkin et al., (1989b) J. Inf. Dis., vol. 159, pp. 860-865. |
| | QF | Pontisso et al., (1989) J. Virol., vol. 63, pp. 1981-1988. |
| | QG | Post et al (1981) Cell 25 227-233. |
| | QH | Pouwels, P.H., et al. Cloning Vectors (1985), p. VIII-A-A-i-9. |
| | QI | Powell and Watson, (1975) Gen. Virol., vol. 29, pp. 167-178. |
| | QJ | Pratt and Subramani, (1983) Nucleic Acid Research, vol. 11, pp. 8817-8823. |
| | QK | Prevec et al. 91989) G. gen. virol. 70, 429-434. |
| | QL | Prevec et al., (1990) J. Infect. Dis., vol. 161, pp. 27-30. |
| | QM | Ramshaw, I.A., J. Ruby and A. Ramsay, Tibtech 10, 424-426 (1992). |
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| | QO | Ratner et al., (1985) Nature, vol. 313, pp. 277-284. |
| | QP | Rautman et al., (1989) Aids Research and Human Retroviruses, vol. 5, pp. 147-157. |
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| | QT | Rice and Kerr, (1984) J. Virol., vol. 50, pp. 209-228. |
| | QU | Rice et al., (1985) Science, vol. 229, pp. 726-733. |
| | QV | Rice et al., (1986) In: The Togaviridae and Flaviviridae, eds. S. Schlesinger and M.J. Schlesinger, pp. 279-326. |
| | QW | Rickinson et al., (1984) Cell. Immunol., vol. 87, pp. 646-658. |
| | QX | Riddell et al., (1992) Science, vol. 257, pp. 238-241. |
| | QY | Riviere Y., Tanneau-Salvadori, F., Regnault, A., Lopez, O., Sansonetti, P., Guy, B., Kieny, M.-P., Fournel, J.-J., and Montagnier, L., J. Virol. 63, 2270-2277 (1989). |
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| | RW | Sazawa et al, (1969) Natl. Inst. Anim. Health, vol. 9, pp. 74-82. |
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| | RY | Scheid and Choppin, (1974) Virology, vol. 57, pp. 475-490. |
| | RZ | Scheid et al., (1972) Virology, vol. 50, pp. 640-652. |
| | SA | Scherer et al., (1959) Am. J. Trop. Med. Hyg., vol. 8, pp. 698-706. |
| | SB | Schlesinger et al., (1985) J. Immunol., vol. 135, pp. 2805-2809. |
| | SC | Schlesinger et al., (1986) J. Virol., vol. 60, pp. 1153-1155. |
| | SD | Schlesinger et al., (1987) J. Gen. Virol., vol. 68, pp. 853-857. |
| | SE | Schlicht and Schaller, (1989) J. Virol., vol. 63, pp. 5399-5404. |
| | SF | Schmaljohn et al., (1987) Virology, vol. 157, pp. 31-39. |
| | SG | Schmaljohn et al., (1990) J. Virology, vol. 64, pp. 3162-3170. |
| | SH | Schmaljohn et al., Virology 155, 633-643 (1986). |
| | SI | Schmaljohn, C. S., and Dalrymple, J. M., Virology 131, 482-491 (1983). |
| | SJ | Schmaljohn, C. S., Sugiyama, K., Schmaljohn, A. L., and Bishop, D. H. L., J. Gen. Virology 69, 777-786 (1988). |
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| SU | Shimizu, Y., K. Hasumi, K. Masubuchi & Y. Okudaira, Cancer Immunol. Immunother. 27, 223-227 (1988). |
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| SW | Shioda and Shibuta, (1990) Virology, vol. 175, pp. 139-148. |
| SX | Shope, (1980) In: The Togavirus, vol. ed. Schlesinger, pp. 47-82. |
| SY | Slabaugh, M., Roseman, N., Davis, R., and C. Mathews, J. Virol. 62, 519-527 (1988). |
| SZ | Slabough and Roseman, (1989) Proc. Natl. Acad. Sci., vol. 86, pp. 4152-4155. |
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| TB | Smith et al. (1983) Nature 302, 490-495. |
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| TL | Stevely, (1977) J. Virol., vol. 22, pp. 232-234. |
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| | TV | Taylor et al., (1990) J. Virol., vol. 64, pp. 1441-1450. |
| | TW | Taylor et al., (1991a) J. Gen. Virol., vol. 72, pp. 125-130. |
| | TX | Third Poxvirus-Iridovirus Workshop, Sep. 15-18, 1980, Workshop Program. |
| | TY | Thomson, G. R., Spooner, P. R., and Powell, D. G. Vet. Res. 100, 465-468 (1977). |
| | TZ | Tomley, (1991) Vaccine, vol. 9, pp. 4-5. |
| | UA | Toyoda et al., (1987) Virology, vol. 158, pp. 242-247. |
| | UB | Traversari et al., (1992) J. Exp. Med., vol. 176, pp. 1453-1457. |
| | UC | Trinchieri, (1993) Imm. Today, vol. 14, pp. 335-338. |
| | UD | Tsuchiya et al., (1970) Virus, vol. 20, pp. 290-300. |
| | UE | Turner and Moyer, (1990) In: Poxvirus, eds. Moyer and Turner, (Springer Verlag, NY) pp. 125-152. |
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| | UW | Wallack et al., (1986) Cancer, vol. 57, pp. 649-655. |
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| | APPLICANT Paoletti et al | |
| | FILING DATE May 4, 1992 | GROUP 1813 |

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